

SUPPORT FOR THE AMENDMENTS

The specification has been amended to include the deposit information for the strains recited in Claims 37 and 38. The amendments to Claim 23, 30, 34 and newly-added Claims 39-41 are supported by the specification at pages 2-26, especially pages 5-8. Accordingly, no new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 23-28 and 30-41 are pending. Favorable reconsideration is respectfully requested.

The rejection of Claims 23-34 under 35 U.S.C. §112, first paragraph, is believed to be obviated by the amendment submitted. Claim 23 has been amended to specify

Applicants would like to thank Examiner Kerr for indicating at the paragraph bridging pages 9-10 of the Official Action that reducing gene expression by deletion is enabled. In the amendment submitted above, Claim 23 has been amended to specify a modified microorganism comprises an eliminated *poxB* gene which encodes a pyruvate oxidase, wherein elimination is achieved by one or more methods of mutagenesis selected from a specified group. Accordingly, the claims are enabled and withdrawal of this ground of rejection is respectfully requested.

The rejection of Claim 30 under 35 U.S.C. §112, first paragraph, is believed to be obviated by the amendment submitted. The concerns noted by the Examiner have been addressed by the amendment to Claim 30. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of Claims 30 and 34 under 35 U.S.C. §112, second paragraph, are believed to be obviated by the amendment submitted. The concerns noted by the Examiner have been addressed by the amendments submitted above. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claim 30 under 35 U.S.C. §102(e) over Rieping et al. is respectfully traversed. As discussed at page 6 of the previous response, Rieping et al. is not available as prior art against the present application because the present application claims priority to U.S. provisional application serial No. 60/248,210, which was filed on November 15, 2000. A

Application No. 10/076,416

Reply to Office Action of September 27, 2004

certified English translation of that application was filed with the previous response.

Accordingly, withdraw of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

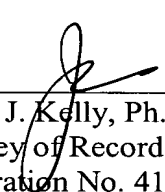
Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)



---

James J. Kelly, Ph.D.  
Attorney of Record  
Registration No. 41,504